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**COPY MAILED**

**JUN 1 8 2004**

In re Application of  
Priem  
Application No. 10/804,945  
Filed: March 19, 2004  
Attorney Docket No. MVDA/P000455  
For: METHOD AND APPARATUS FOR  
LATENCY BASED THREAD SCHEDULING

**OFFICE OF PETITIONS**

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:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(b)  
:  
:

This is in response to the petition under 37 CFR 1.47(b), filed March 19, 2004.

The petition is granted.

Petitioner has shown that the non-signing inventor, Curtis R. Priem, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney Stephanie Winner establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the enclosed declaration. In addition, the inventor expressly refused to sign the declaration on February 2, 2004 during a telephone call with Attorney Winner. Petitioner has shown that NVIDIA Corporation has a proprietary interest in the above-identified application with the redacted copy of the Proprietary Information and Inventions Agreement showing that the inventor had an obligation to assign any patent rights to the corporation. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 2100 for examination in due course.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis". The signature is written in dark ink and is positioned above the printed name and title.

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions

cc: STEPHANIE WINNER  
MOSER, PATTERSON & SHERIDAN, LLP  
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**JUN 18 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Priem :  
Application No. 10/804,945 :  
Filed: March 19, 2004 :  
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LETTER

Dear Mr. Priem:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions

ATTORNEY OF RECORD: MOSER, PATTERSON & SHERIDAN L.L.P.  
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